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SENATE

REPORT
99-488

ESTABLISHING THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR IN THE STATES OF RHODE ISLAND AND MASSACHUSETTS

SEPTEMBER 25 (legislative day, SEPTEMBER 24), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1374]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1374), to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

Strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Blackstone River Valley National Heritage Corridor Act of 1985".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress makes the following findings:

(1) The Blackstone River Valley has significance as the cradle of the American Industrial Revolution. The valley was the first to experience widespread use of waterpower for industry. Independent entrepreneurs developed the Rhode Island system of manufacturing, employing families in the making of textiles, and other industrial goods.

(2) Because of the influence of Roger Williams and, later, the growth of transportation networks and the textile industry, the Blackstone Valley developed great ethnic and religious diversity. The cultural heritage of these groups is still preserved in the villages and cities of the Blackstone Valley.

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(3) There are many historic buildings, structures, and districts remaining in the Blackstone Valley which represent the history of the birth and growth of the textile industry and the transportation revolution from land to water to railroad. In Rhode Island, there are 26 National Register Districts, including the Blackstone Canal and 13 mill villages, and 89 structures listed in the National Register. Massachusetts has 7 National Register Districts and 57 structures listed in the National Register.

(4) The corridor was once one of the most heavily industrialized regions of the Nation and has potential for further economic expansion and modernization. The area in which the corridor is located is currently experiencing high rates of unemployment and industrial migration. Establishment of the corridor as provided in this Act may provide the stimulus required to retain existing industry and to provide further industrial growth and commercial revitalization.

(5) Despite efforts by the State, political subdivisions of the State volunteer associations and private business, the cultural, historical, natural, and recreational resources of the corridor have not realized full potential. Their value will be enhanced with assistance from the Federal Government.

(b) PURPOSE.—The purpose of this Act is to retain, enhance, and interpret, for the benefit and inspiration of present and future generations, the cultural, historical, recreational, and economic resources of the corridor, where feasible, consistent with industrial and economic growth.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Commission" means the Blackstone River Valley National Heritage Corridor Commission established in section 5;

(2) the term "corridor" means the Blackstone River Valley National Heritage Corridor established in section 4(a);

(3) the term "plan" means the Cultural Heritage Plan submitted to the Secretary by the Commission pursuant to section 9; and

(4) the term "Secretary" means the Secretary of the Interior.

ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR

SEC. 4. (a) ESTABLISHMENT.—To carry out the purposes of this Act, there is established the Blackstone River Valley National Heritage Corridor.

(b) BOUNDARIES.—The boundaries of the corridor shall be determined by the Commission, in consultation with the Governor of Massachusetts and the Governor of Rhode Island.

(c) ADMINISTRATION.—The corridor shall be administered in accordance with the provisions of this Act.

ESTABLISHMENT OF BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

SEC. 5. There is established a commission to be known as the Blackstone River Valley National Heritage Corridor Commission which shall carry out the duties specified in section 9.

ORGANIZATION OF COMMISSION

SEC. 6. (a) MEMBERSHIP.—The Commission shall be composed of nineteen members appointed by the Secretary as follows:

(1) the Director of the National Park Service, ex officio, or a delegate;

(2) six individuals nominated by the Governors of Rhode Island and Massachusetts and appointed by the Secretary, who shall be: the Department of Environmental Management Directors from Rhode Island and Massachusetts, the State Historic Preservation Officers from Massachusetts and Rhode Island, and the Department of Economic Development Directors from Massachusetts and Rhode Island;

(3) four representatives of local government from Massachusetts and four from Rhode Island nominated by the Governor of their State and appointed by the Secretary, to represent the interests of local government;

(4) two individuals, nominated by the Governor of Massachusetts and two individuals nominated by the Governor of Rhode Island appointed by the Secretary, to represent other interests each Governor deems appropriate.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) TERMS.—Members of the Commission shall be appointed for terms of three years.

(c) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission.

(e) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(3) The affirmative vote of not less than ten members of the Commission shall be required to approve the budget of the Commission.

(f) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or ten of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

STAFF OF COMMISSION

SEC. 7. (a) DIRECTOR AND STAFF.—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the minimum rate of basic pay payable for level GS–13 of the General Schedule.

(2) The Commission may appoint up to two additional staff personnel and may pay such staff at rates not to exceed the minimum rate of basic pay payable for level GS–13 of the General Schedule. Such staff may include specialists in areas such as interpretation, historic preservation, recreation, conservation, commercial and industrial development and revitalization, financing, and fundraising.

(3) Except as otherwise provided in this subsection, such Director and staff—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties under section 9.

(2) The Commission may accept the services of personnel detailed from the State or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

POWERS OF COMMISSION

SEC. 8. (a) HEARINGS.—(1) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpenas or exercise any subpena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1954, any gift to the Commission shall be deemed to be a gift to the United States.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land managing agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Massachusetts and the State of Rhode Island, with any political subdivision of each State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State of Massachusetts and the State of Rhode Island, such political subdivision, or such person which may affect the implementation of the plan.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as the Commission deems necessary to ensure open communication with, and assistance from, the State of Massachusetts and the State of Rhode Island, political subdivisions of the State of Massachusetts and the State of Rhode Island, and interested persons.

DUTIES OF COMMISSION

SEC. 9. (a) PREPARATION OF PLAN.—Within one year after the Commission conducts its first meeting, it shall submit a Cultural Heritage Plan to the Secretary for review and approval for 90 days. The plan shall be based on existing State plans, but shall coordinate those plans and present a unified historic preservation and interpretation plan for the corridor. The plan shall—

(1) define the boundaries of the National Heritage Corridor;

(2) provide an inventory which includes any property in the corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural significance;

(3) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of all properties within the corridor; and

(4) develop an historic interpretation plan to interpret the history of the valley.

(b) IMPLEMENTATION OF PLAN.—(1) After review and approval of the plan by the Secretary as provided in subsection (a), the Commission shall implement the plan. In implementing the plan, the Commission shall give priority to actions which assist in—

(A) preserving and interpreting the historic resources of the valley;

(B) completing State and local parks in the corridor; and

(C) supporting public and private efforts in economic revitalization consistent with the goals of the Cultural Heritage Plan.

(2) Priority actions to be carried out under paragraph (1) shall include—

(A) assisting the States in appropriate preservation treatment in the Blackstone Canal;

(B) assisting the States in designing, establishing, and maintaining visitor centers and other interpretive exhibits in the corridor;

(C) encouraging private landowners adjacent to the canal or river to retain or reestablish, where possible, vegetative, or other buffers as specified in the State park plans;

(D) assisting in the enhancement of public awareness of an appreciation for the historical and architectural and geological resources and sites in the corridor;

(E) assisting the State or any local government or any nonprofit organization in the restoration of any historic building in the corridor;

(F) encouraging, by appropriate means, enhanced economic and industrial development in the corridor consistent with the goals of the plan;

(G) encouraging local governments to adopt land use policies consistent with the goals of the State park and the plan and to take actions to implement those policies; and

(H) ensuring that clear, consistent signs identifying access points and sites of interest is put in place.

TERMINATION OF COMMISSION

SEC. 10. (a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring five years after the date of the enactment of this Act.

(b) EXTENSION.—The Commission may be extended for a period of not more than five years beginning on the day referred to in subsection (a) if, not later than one hundred and eighty days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purpose of this Act;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate; and

(3) the Governor of Massachusetts, the Governor of Rhode Island, and the Secretary each approve such extension.

DUTIES OF THE SECRETARY

SEC. 11. (a) PURPOSE.—To carry out the purpose of this Act, the Secretary shall—

(1) assist the Commission in preparing the Cultural Heritage Plan; and

(2) design and fabricate interpretive materials based on the Cultural Heritage Plan including—

(A) guide brochures for exploring the heritage story of the valley by automobile, train, bicycle, boat, or foot;

(B) visitor displays (including video presentations) at several locations well distributed along the corridor, including both indoor and outdoor displays; and

(C) a mobile display depicting the heritage story to be used in the park, public buildings, libraries, and schools.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon request of the Commission, provide technical assistance to the Commission in carrying out its duties described in section 9, including recommendations concerning appropriate preservation treatment adaptive re-use, potential strategies for funding, private investors, and tax advantages of rehabilitation of historic structures.

(c) DETAILS FROM INTERIOR.—For each fiscal year of the life of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis up to two employees of the Department of the Interior to enable the Commission to carry out its duties under section 9.

DUTIES OF OTHER FEDERAL ENTITIES

SEC. 12. Any Federal entity conducting or supporting activities directly affecting the corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the corridor

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) There is authorized to be appropriated annually for the next five fiscal years—

(1) to the Commission a sum not to exceed $500,000 to carry out the Commission's duties under this Act; and to be used by the Commission for—

(A) leasing buildings and land;

(B) renovating or restoring structures to serve as visitors centers or interpretive facilities for the heritage corridor; and

(C) preserving the Blackstone Canal and its associated structures; and

(2) to the Secretary a sum not to exceed $75,000 to carry out the Secretary's duties described in section 11(c) and to carry out the Secretary's other duties under this Act.

(b) Any sums appropriated under this section shall remain available until expended.

PURPOSE OF THE MEASURE

S. 1374, as reported, would preserve the cultural, historical, recreational, and economic resources of the Blackstone River Valley Corridor by establishing the Blackstone River Valley National Heritage Corridor and Commission in the States of Rhode Island and Massachusetts.

BACKGROUND AND NEED

The Blackstone River begins in the city of Worcester, Massachusetts and flows 46 miles through 22 cities and towns, crossing the State boundary between Massachusetts and Rhode Island. The Blackstone Canal, built in the 1820's, follows the western side of the river.

The mills, villages, transportation networks, and social history of the settlers in the Blackstone Valley tell the story of the industrialization of the 18th and 19th century America.

At the request of Congress in 1983, the National Park Service and the States of Massachusetts and Rhode Island prepared a report on the significance of the historic cultural values of the Blackstone River Valley, including conservation options. The report concluded that, while the area is of national significance to American industrial history and does contain certain themes underrepresented in the National Park System, overall resources lack the integrity necessary for national parks. The National Park Service could however, remain active in supporting local and State park and planning in the valley.

S. 1374, as reported, establishes the Blackstone River Valley National Heritage Corridor and Commission, composed of representatives of Rhode Island, Massachusetts and the Federal Government to develop a unified historic preservation and interpretation plan for the corridor. The Commission will operate for 5 years. The bill also directs the Department of the Interior to provide technical support as well as assign two employees to the commission to enable it to carry out its responsibilities.

S. 1374 authorizes appropriations to the Commission of $500,000 annually for five fiscal years to finance the commission and $75,000 annually to the Secretary of the Interior for five fiscal years for Department of the Interior obligations under the Act.

LEGISLATIVE HISTORY

S. 1374 was introduced by Senator Chafee on June 27, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on April 11, 1986.

At a business meeting on September 17, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1374, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 17, 1986, by unanimous voice vote of a quorum present recommends that the Senate pass S. 1374, if amended, as described herein.

COMMITTEE AMENDMENT

The Committee amendment places the appointment authority to the Commission with the Secretary of the Interior and conforms with the Appointments Clause of the Constitution. The amendment sets limits on the number (two plus the director) and salary levels (GS–13) of Commission staff personnel and the number of employees (two) to be detailed from the Department of the Interior. The substitute also provides that the Secretary must have approval authority of the plan for the Corridor.

The substitute amendment also sets time limits on the authorizations for appropriations to the Commission and the Secretary of the Interior. The authorization is limited to 5 fiscal years.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1374, a bill to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes.

Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1374.

2. Bill title: A bill to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, September 17, 1986.

4. Bill purpose: S. 1374 would establish the Blackstone River Valley National Heritage Corridor and the Blackstone River Valley National Heritage Corridor Commission. The 19-member commis-

sion would be charged with developing and implementing a plan for the corridor. The Secretary of the Interior would be directed to assist the commission in developing the plan and in designing interpretive materials and facilities. In addition, the Secretary would be required to detail two employees to the commission for each fiscal year that the commission exists.

The bill would authorize the appropriation to the commission of $500,000 for each of five fiscal years. These funds would be used to carry out commission duties under the bill as well as to lease facilities and renovate, restore or preserve structures in the corridor. An additional $75,000 a year would be authorized for appropriation to the Department of the Interior.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Authorization level	0.6	0.6	0.6	0.6	0.6
Estimated outlays	(1)	.4	.5	.6	.6

[1] Less than $50,000.

Note: The costs of this bill fall within budget function 300.

Basis of Estimate: For purposes of this estimate, it is assumed that S. 1374 will be enacted early in fiscal year 1987 and that all sums authorized will be appropriated for each year. Outlays have been estimated on the basis of historical spending patterns for similar programs and on information obtained from the National Park Service.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1374. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1374, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1374 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, August 14, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1374, a bill "To establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island."

We oppose the enactment of S. 1374.

The statement of conferees accompanying the conference for the Department of the Interior and Related Agencies Appropriations Act, 1984, dated September 30, 1983, included the following paragraph at page 13 of the report:

> The conference agreement includes $100,000 for the National Park Service to assist Massachusetts and Rhode Island in the development of an implementation strategy for the future conservation, management, and use of the Blackstone River corridor to determine if its historical significance is such that it should be included in the National Park System. A portion of the assistance should focus on, but not be limited to, the following tasks: (1) an interpretive management plan: (2) preservation guidelines; and (3) canal restoration assistance.

In accordance with that paragraph, a report was prepared by the National Park Service and the States of Massachusetts and Rhode Island on the significance of the historic and cultural values of the Blackstone River Valley, including conservation options. The report concluded that:

> The Blackstone corridor is not recommended for consideration as a national park. While the area is of national significance to American industrial history and does contain certain themes underrepresented in the National Park System, overall resources lack the integrity necessary for national parks.

For an area whose resources have been found to be lacking in the necessary integrity for national parks, this bill would: (1) establish a national corridor designation: (2) create a 19-member Federal commission, plus staff, to prepare and implement a preservation plan; (3) require the National Park Service to assist the commission in planning; (4) require the National Park Service to design and fabricate interpretive materials, including guide brochures, video presentations, and a mobile display; and (5) require the National Park Service to detail, without reimbursement, four employees to the commission.

We believe S. 1374 would place us in an inappropriate role, given the nature of these resources. The requirements of the bill would represent a significant diversion of money and personnel from preservation and interpretation of areas that are now within the National Park System. With the need to reduce Federal expenditures, our funds and personnel must continue to be focused on the resources of the parks.

Although four employees may seem insignificant, several parks are now operating with four or fewer employees (FTE's); Bering Land Bridge National Preserve, Alaska; Big Hole National Battlefield, Montana; Coronado National Memorial, Arizona; Eugene O'Neill National Historic Site, California; Fort Union Trading Post National Historic Site, North Dakota; and Fossil Butte National Monument, Wyoming. Future National Park Service budgets are not likely to include requests for additional personnel. If additional responsibilities are placed on us for areas that do not qualify for park status, such as would be the case under S. 1374, we are concerned that existing park areas would have to cut back on essential visitor services and resource protection to accommodate the new responsibilities.

Moreover, the National Park Service is already interpreting much of the same story to be told in the Blackstone River Valley at the Lowell National Historical Park in Massachusetts, and has developed extensive cooperative assistance programs with the State. We believe that technical assistance to the States of Massachusetts and Rhode Island is the appropriate role for the National Park Service in the Blackstone River Valley. Such assistance is already authorized in the National Historic Preservation Act. During the course of the study referred to earlier, we provided such technical assistance to the States. Further, we believe a national designation is not appropriate for an area that lacks the necessary historical integrity. Accordingly, we recommend against the enactment of S. 1374.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 1374, as reported.

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